IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 21057 of 2005(F)

PETITIONER:

SMT.JESSY, W/O. ABY,
NADAKKAVUKKARAN HOUSE, VADUTHALA P.O.,
KOCHI-23.

BY ADV. SRI.K.R.MICHAEL

RESPONDENTS:

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1. JOBY PAUL, PANANCHERY HOUSE,
CHELAKKOTTUKARA, OLLUR VILLAGE, THRISSUR.

2. K.V. RAJAN, KAINOOR HOUSE,
GANDHIGRAMAM ROAD, CHELAKKOTTUKARA,
OLLUR VILLAGE, THRISSUR.

3. SMT.THANKAM, W/O. K.R. VENUGOPAL,
KAINOOR HOUSE, NEAR VALARKKAVU TEMPLE,
ANCHERY, THRISSUR.

R1 BY ADV. SRI.N.SUBRAMANIAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 21057 OF 2005

Dated this the 11th day of June, 2007

JUDGMENT

Service on 3rd respondent is declared sufficient. 2nd respondent is the judgment debtor and the petitioner is the claim petitioner who filed claim petition against the attachment which the 1st respondent decree holder had obtained in respect of the property belonging to the 2nd respondent. The issue involved in this Writ Petition is between the petitioner-claimant and the 1st respondent decree holder. Though stay was applied for, this court was not inclined to grant any stay. Proceedings have been allowed to continue before the execution court since 15.07.05. One of the contentions raised in the counter affidavit filed by the 1st respondent decree holder is that the petitioner did not avail the benefit of a conditional order passed by the court below on EA No.1217 of 2005 by which the petitioner was directed to pay a sum of Rs.80,000/- on or before 10.08.05. It is also stated in paragraph 13 of the counter that if the petitioner is prepared to pay a sum of Rs.1 lakh within one week, she can be given respite for some time. Considering the above contentions, I dispose of the writ petition directing the court

below not to sell the property in question for a period one more month. It is open to the petitioner to sort out the issue with the first petitioner in the mean while if the Execution Petition is even now pending and sale has not taken place.

PIUS C. KURIAKOSE, JUDGE

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